

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 16108 of the African American Catholic Congregation, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to establish a private school, kindergarten through sixth grade, on the first floor and mezzanine in an R-4 District at premises 609-11 Maryland Avenue, N.E. (Square 864, Lot 820).

HEARING DATE: DECEMBER 20, 1995
DECISION DATE: FEBRUARY 7, 1996

ORDER

SUMMARY OF EVIDENCE:

1. The subject property, known as the Imani Temple on Capitol Hill, is located at the intersection of Maryland Avenue and C and 6th Streets, N.E. (Square 864, Lot 820) in an R-4 zone district.

2. The property is irregularly shaped, contains 6,757 square feet of land area, and is occupied by a church building and an abutting former residential dwelling (the church annex). Portions of both buildings are used to house an existing private school for 45 students(3-13 years old). The site is 95 percent occupied by the buildings.

3. The property is located within the Capitol Hill Historic District across 6th Street, N.E. from Stanton Park. The Stanton Park neighborhood is developed primarily with older row dwellings.

4. The R-4 zone district permits matter of right development of residential uses (including detached, semi-detached and row single-family dwellings, and flats) with a minimum lot area of 1,800 square feet, a minimum lot width of 18 feet, a maximum lot occupancy of 60 percent, and a maximum height of 3

stories/40 feet. A private school is a permitted use in an R-4 zone if approved by the Board of Zoning Adjustment under the provisions of Section 206 of 11 DCMR.

5. The applicant is requesting a special exception under Section 206 to continue to operate a private school for a maximum of 60 students (kindergarten through the sixth grade) in portions of the two structures that occupy the subject property (i.e., a church and abutting three-story row dwelling). Eleven full and part-time employees would continue to work at the school.

6. The applicant indicated that the school currently has two on-street curb-side parking spaces along the property's frontage on Maryland Avenue and two spaces in a hospital parking lot one block from the site. Because the subject property is a contributing element of the Capitol Hill Historic District, no on-site parking is required for the proposed use.

7. The applicant stated that the school is currently searching for a permanent facility at a different site and hopes to be relocated within two years.

8. The applicant described the school's student drop-off and pick-up location on Maryland Avenue and the associated periods of time in the mornings and evenings that such activities would take place.

9. The applicant described the school's recreational activities on-site and in Stanton Park across the street from the property.

10. The applicant explained to the Board the differences between the school's activities and those of the church. Many of the community's concerns are related to parking problems within the surrounding neighborhood that are the result of the church's regular functions and special activities.

11. A representative of the church indicated that a number of steps have been taken to address the community's concerns regarding on-street parking problems, traffic, regularly scheduled services, and security.

12. The applicant addressed the issue of possible noise generated by the schools' activities. He assured the Board that noise has not been a problem for neighboring properties.

13. By memorandum dated December 13, 1995, the Office of Planning (OP) recommended conditional approval of this application. A private school is a permitted use in an R-4 zone if approved by the Board of Zoning Adjustment under Section 206 of 11 DCMR.

14. OP noted that the Imani School currently has an enrollment of 45 students. However, the applicant is requesting approval to increase that number to 60 children. Eleven employees currently work full and part-time at the school. The school operates between the hours of 8:30 a.m. and 5:30 p.m., while the after-school care program closes at 6:00 p.m. Recreational activities for the children would be conducted on a regular basis in Stanton Park and on-site (indoor and outdoor).

15. Two buildings are located on the subject (i.e., a church and an annex). The church's 200 square-foot undercroft houses the school's pre-kindergarten through the second grades, along with the school's restrooms. The annex building houses one classroom for grades three through six, the teachers' lounge, and the superintendent's office. The annex classroom contains 400 square feet of floor space.

16. Because the school operates under a very strict discipline policy for the children, noise and disruptive behavior are not tolerated. Overall, the school's activities would blend well with the neighborhood.

17. OP noted that the property contributes to the character of the Capitol Hill Historic District, and, accordingly, is not required to provide on-site parking for the proposed school use. Regardless, the applicant has indicated that two on-street parking spaces on Maryland Avenue would be provided along with two spaces in a nearby hospital parking lot.

18. OP indicated that students are dropped-off and picked-up on the property's 6th Street side and that most of them arrive

by car. The applicant plans to petition the Department of Public Works to provide a reserved curbside area for this purpose.

19. Based on the analysis given above, the Office of Planning was of the opinion that the proposal would not be in disharmony with the intent and purpose of the Zoning Regulations in the short term. The existing school would continue not to be objectionable to adjoining and nearby properties due to noise, number of students, and outdoor play activities. However, any future school expansion may impact the surrounding neighborhood adversely. In addition, the existing parking, traffic, and drop-off/pick-up activities would likely generate negative impacts on the surrounding residential neighborhood if appropriate measures are not taken to alleviate associated problems. The Office of Planning recommended approval of this application subject to six conditions.

20. Two letters from the Stanton Park Neighborhood Association were submitted into the record. The first letter, dated December 19, 1995, opposed the application because of severe traffic safety and parking problems associated with the operation of the school. The second letter, dated February 2, 1996, withdrew the Association's opposition after meeting with the applicant to discuss remedial efforts to be taken by the school to alleviate the problems. The Association recommended that the Board set a specific time limit of one year for the school's special exception in case problems arise in effecting the traffic flow measures proposed by the applicant.

21. A number of the school's neighbors submitted letters of opposition into the record. One neighbor also appeared before the Board in opposition to the application. Overall, their concerns are the result of serious traffic and parking problems created by the school's (and church's) operation at the site.

22. The record was left open at the close of the hearing for any additional submissions, including the Capitol Hill Restoration Society. All submissions were due by January 24, 1996. Responses and proposed findings in this case were due by January 31, 1996.

The Capitol Hill Restoration Society opted not to submit any material to the Board regarding this application.

FINDINGS OF FACT:

Based on the evidence of record, the Board finds the following:

1. The use of the subject property as a private school would not be in disharmony with the general purpose and intent of the Zoning Regulations in the short term.
2. The continued school use would not be objectionable to adjoining and nearby properties because of noise, number of students, and outdoor play activities at the present time. Any future expansion, however, may adversely impact the neighborhood.
3. Existing parking, traffic and pick-up/drop-off activities will likely create negative impacts on the surrounding residential community if appropriate measures are not taken to alleviate the problems. The applicant will take such measures.
4. Appropriate measures will be taken by the applicant to ensure the children's security and safety both on and off the property during school hours and play periods.

CONCLUSIONS OF LAW AND OPINION:

Based on the evidence of record, the Board concludes that the applicant is seeking a special exception to allow the continued operation of a private school in an R-4 zone district. Granting such a special exception requires a showing through substantial evidence that the application will be in harmony with the general purpose and intent of the Zoning Regulations and Map and that approval will not tend to affect adversely the use of neighboring property. The applicant must also meet the requirements of Section 206 regulating private schools.

The Board concludes that the applicant has met the requirements of Section 206. The school use is located so that it is not likely to become objectionable in the short term to adjoining and nearby properties because of noise, traffic, parking, number of students, or other objectionable conditions. The Board concludes that the school use is compatible with the residential neighborhood in which it is located and that the present and future development of the surrounding neighborhood will not be adversely affected.

The Board further concludes that the special exception for the school use can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map, and as conditioned by this order, will not tend to adversely affect the use of neighboring properties in accordance with the Zoning Regulations and Map.

In light of the foregoing, the Board **ORDERS** that the application be **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. Approval shall be limited to **TWO YEARS**.
2. The maximum number of students shall not exceed 60.
3. The school's hours and days of operation shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday. Occasional school-related special events shall conclude by 9:00 p.m.
4. Four off-street parking spaces shall be provided in the community for the school's use.
5. Pick-up and drop-off activities shall not take place in front of the church unless a staff member is present to escort the children to and from the building. For pick-up and drop-off, a 15-minute curbside parking permit sign in front of the church shall be applied for with the Department of Public Works.

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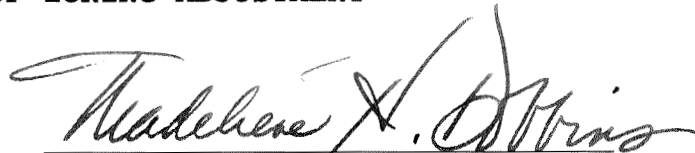
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6. The children shall be accompanied by adults when taken to Stanton Park to play. Play in the park shall be limited to two hours per day.

VOTE: 4-0 (Angel F. Clarens, Susan Morgan Hinton, Sheila Cross Reid, and Laura M. Richards, to grant; Maybelle Taylor Bennett, not present, not voting, having recused herself).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



MADELIENE H. DOBBINS

Director

OCT 16 1997

FINAL DATE OF ORDER: _____

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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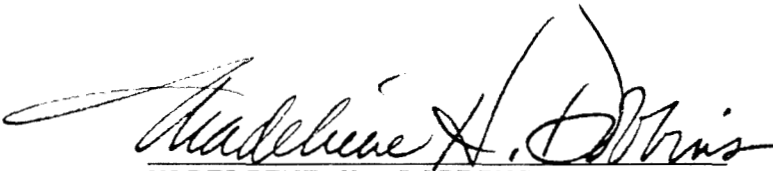
As Director of the Board of Zoning Adjustment, I certify and attest that on _____ a copy of the order entered on that date in this matter was mailed first class, postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

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MADELIENE H. DOBBINS
Director

DATE: _____

OCT 16 1997